

REMARKS

The Office Action mailed April 1, 2003, has been received and carefully reviewed. Reconsideration and withdrawal of the rejections of the claims of the above-identified application is respectfully requested.

Drawings

The drawings were objected to for not including the reference number "42" as set forth on page 3 of the specification. The Examiner's attention is directed to Fig. 4, where "42" indicates the entire sundeck handling attachment as described on page 3 of the specification. Additionally, a formal drawing of Fig. 6 was required because the photocopy was of very poor quality. Formal drawings are submitted herewith.

Claim Objections

Claim 13 was objected to because of a typographical error. This error has been corrected.

Rejections Under 35 U.S.C. §103

Claim 13 is rejected as being unpatentable over Franklin in view of Hung. Franklin is asserted as disclosing a sundeck mounted to the rear of a boat. Hung is asserted as describing a lift assembly with a clamping structure for handling a workpiece, such as a tailgate, for attachment to the rear of an automobile. The Examiner asserts that it would have been obvious to use the lift assembly of Hung for mounting the sundeck of Franklin because it would have been advantageous as it would allow a person to singly and safely handle a heavy object. The Examiner also states that the method steps in the instant claims are all inherent in the use of the equipment of Hung.

Applicant respectfully traverses the rejection. As the Examiner admits, Franklin merely shows the existence of a deck platform, and is completely silent as to the method of mounting the platform to the boat. Claim 13, as amended, recites mounting a sundeck with two legs connected at an angle, where the leg being clamped is shorter than the other leg. The deck platform of Franklin is a single platform.

Hung teaches a device for attaching and separating a car door or tailgate. Hung does not teach or suggest a method for mounting a sundeck to a boat. The Examiner asserts that the steps recited in the method claim are inherent in the use of the equipment of Hung.

The instant method claim involves maneuvering a clamp structure such that the middle section of the first leg of the sundeck is held between the two clamping members, with the clamping members against first and second surfaces of the first leg. This is clearly shown in Fig. 6. Hung teaches a very different method of clamping and mounting a car door or tailgate. In the method of Hung, the device is adjusted so that the rubber cushions (421, 431, 456 in Fig. 2) are positioned around the periphery of the door or tailgate. The device of Hung does not clamp the door or tailgate by holding first and second sides of the door or tailgate. Thus, the instantly claimed method steps are not inherent in the use of the equipment of Hung. Additionally, there is no suggestion for modifying the device of Hung to hold a car door or tailgate in such a fashion, or to hold any other object.

Even if motivation were found to combine Franklin and Hung, one would not arrive at the instant invention. Instead, one would, at most, achieve a method of lifting the single platform deck of Franklin by holding the deck at the edges, as taught by Hung. Thus, even if combined, the cited references do not teach each and every element of the instant claim.

The instantly claimed method involves specific steps for maneuvering a sundeck in a particular manner. The mere existence of a first object and a device for lifting and positioning a second, different object, does not provide any motivation for modifying a method of using the device for lifting and positioning the first object. Withdrawal of the rejection is respectfully requested.

Appl. No. 10/027,056
Amendment dated July 30, 2003
Response to Office Action mailed April 1, 2003.

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: July 30, 2003

By: Nancy J. Parsons
Name: Nancy J. Parsons
Reg. No.: 40,364
NJP:pll